

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.40857 of 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking the following relief:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon’ble Court may be pleased to issue a Writ, order or direction, especially one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in issuing Proceedings Rc.NoAP521/Sep2017/12249 dt.22-11-2017 and not releasing petitioner bus bearing No.AR02A 2277 seized under Vehicle Check Report No.AP521/Sep2017/12249 dt.25-9-2017 by the 3rd respondent as illegal, arbitrary and unconstitutional and consequently direct the 2nd and 3rd respondents to release bus bearing No.AR02A 2277 seized under Vehicle Check Report No. AP521/Sep2017/12249 dt.25-9-2017 forthwith and pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

(Reproduced verbatim)

2. I have heard the submissions of Sri *M.Phani Kumar*, learned counsel appearing for the petitioner, and of the learned Government Pleader for Transport appearing for the respondents 1 to 3. I have perused the material record.

3. At the hearing, learned counsel appearing for the petitioner and the learned Government Pleader appearing for the respondents 1 to 3 are in agreement that the issue involved in the present writ petition is squarely covered by the orders of this Court, dated 29.11.2017, in W.P.No.40139 of 2017 and that, therefore, this writ petition also can be disposed of on the same terms. Learned Government Pleader placed on record a copy of the order of this Court in the afore-stated writ petition.

4. Having regard to the facts and submissions, the Writ Petition is disposed of directing the respondents to release the vehicle i.e., bus

bearing No.AR02A 2277 in favour of the petitioner, subject to payment of admitted tax and compounding fee. However, the assessment proceedings may go on and the penalty imposed may not be recovered for a period of 30 days, as imposition of penalty is appealable; nonetheless, if no appeal is preferred or no order is obtained, the penalty becomes liable to be paid.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE M. SEETHARAMA MURTI

Date: 6th December, 2017

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